



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

www.uspto.gov

| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 10/518,839  | 12/21/2004  | Keith Baker          | NL 020537           | 1267             |
| 24737 7590 07/18/2008<br>PHILIPS INTELLECTUAL PROPERTY & STANDARDS<br>P.O. BOX 3001<br>BRIARCLIFF MANOR, NY 10510 |             |                      |                     |                  |
| EXAMINER  |             |                      |                     |                  |
| BAIG, SAHAR A   |             |                      |                     |                  |
| ART UNIT  |             | PAPER NUMBER         |                     |                  |
| 2623  |             |                      |                     |                  |
| MAIL DATE   |             | DELIVERY MODE        |                     |                  |
| 07/18/2008  |             | PAPER                |                     |                  |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/518,839

**Applicant(s)**

BAKER, KEITH

**Examiner**

SAHAR A. BAIG

**Art Unit**

2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 07 April 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Response to Arguments*

1. Applicant's arguments, see Remarks, filed 04/07/2008, with respect to the previous Office Action have been fully considered and are persuasive. The previous rejection has been withdrawn.

### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-4, 7-13, and 16-19 rejected under 35 U.S.C. 103(a) as being unpatentable over Borden, IV et al. US Patent No. 6,857,128 in view of Knudson et al. US Patent No. 6,536,041.

Regarding Claims 1, 3, 4, 7, 8, 10, 12, 13, 16, 17, and 19 Borden discloses a method of displaying information in cells of a grid electronic program guide **Figure 5** [*Guide information is displayed in a grid consisting of columns and rows*], the method comprising the steps of: storing a banner with the information for each cell 94 of the grid electronic program guide [**Col. 5 lines 50-52**]; selecting at least one cell [**Col. 3 lines 41-50**]. However, Borden fails to teach **rotation of the banner in each cell in the at least one selected cell**. It also fails to disclose displaying of the banner a predetermined number of times. In an analogous art, Knudson discloses a program guide method wherein a

controllable ticker is introduced. The ticker contains information regarding the currently selected cell of the program guide. Knudson also discloses that the display of the banner can be for predetermined time intervals **[Col. 16 lines 6-17]**. Therefore it would have been obvious to one of ordinary skill in the art to combine the teachings of Borden and Knudson to devise a method of rotationally displaying complete programming information for a cell of an EPG grid and give the viewer a chance to see all the data present.

Regarding Claim 2 and 11, Borden discloses that the banner is an animated file. Although it is not explicitly taught that the file is in a GIF format, it would have been obvious to one of ordinary skill in the art to include such a feature because it is an industry standard.

Regarding Claim 9 and 18, jittering the rotation speed of some banners is taught in Borden **[Col. 6 lines 24-30; *The various display screen appearances and scrolling effects described in conjunction with FIGS. 3-10 can be implemented by applying known computer graphics techniques to a particular arrangement of the schedule data by CPU 172*]**. It would have been obvious to one of ordinary skill in the art to use these techniques to make it difficult to read by the user.

4. Claim 5, 6, 14, and 15 rejected under 35 U.S.C. 103(a) as being unpatentable over Borden, IV et al. (US Patent No. 6,857,128), in view of Knudson et al. US Patent No. 6,536,041 in further view of Boyer et al. (US Patent Publication No. 2003/0066085).

Regarding Claim 5, 6, 14, and 15, the combined teachings of Borden and Knudson discloses all of the claimed limitations except that the column of cells closest to the current time is selected. In an analogous art, Boyer discloses a television guide system wherein listing for programs is presented according to the programs that are currently being broadcasted [0102]. Therefore it would have been obvious to one of ordinary skill in the art to combine the teachings of Borden, Knudson and Boyer to display program listings in a consecutive order starting with the currently broadcasted events.

### ***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. It includes Im (US Patent Publication No. 2002/0083449) and Bedard (US Patent Publication No. 5,793,438).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sahar A. Baig whose telephone number is 571-270-3005. The examiner can normally be reached on 4/5/9.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on 571-272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Chris Kelley/  
Supervisory Patent Examiner, Art  
Unit 2623

SB

